

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEITH THOMAS,) 1:05-cv-00299-AWI-SMS
)
Plaintiff,) ORDER ADOPTING FINDINGS AND
) RECOMMENDATIONS (DOC.9)
)
v.) ORDER DIRECTING PLAINTIFF TO PAY
) \$250.00 FILING FEE WITHIN TWENTY
FEDERAL CONGRESS MEMBER) DAYS OF SERVICE OF THIS ORDER
ENACTMENT OF PLRA, et al.,)
)
Defendants.)
)
)

Plaintiff is a state prisoner proceeding pro se with an action alleging violation of his civil rights pursuant to 42 U.S.C. § 1983. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rules 72-302 and 72-304. On March 22, 2005, the undersigned Magistrate Judge filed findings and a recommendation that the Court deny Plaintiff's requests for injunctive relief from the requirement of paying a filing fee and direct Plaintiff to pay the filing fee or face dismissal of the action. Plaintiff was granted thirty days within which to file objections. The findings and recommendation were served on all parties on March 22, 2005.

1 On March 30, 2005, Plaintiff filed a request for an
2 extension of time within which to file objections. Although
3 Plaintiff made no showing of good cause for such an extension, in
4 view of the short time requested and in an abundance of caution,
5 the Court granted on April 5, 2005, one single extension of time
6 within which to file objections. On April 19, 2005, Plaintiff
7 filed objections to the findings and recommendations. The
8 undersigned has considered the objections and has determined
9 there is no need to modify the findings and recommendations based
10 on the points raised in the objections.

11 In accordance with the provisions of 28 U.S.C. § 636
12 (b) (1) (C) and Britt v. Simi Valley United School Dist., 708 F.2d
13 452, 454 (9th Cir. 1983), this Court has conducted a *de novo*
14 review of the case. Having carefully reviewed the entire file,
15 the Court finds that the findings and recommendation are
16 supported by the record and proper analysis.

17 Accordingly, IT IS HEREBY ORDERED that:

18 1. The findings and recommendations filed March 22, 2005,
19 are ADOPTED IN FULL; and

20 2. The Court FINDS pursuant to 28 U.S.C. § 1915(g) that
21 Plaintiff IS INELIGIBLE to proceed in forma pauperis in the
22 instant action, and the Court DENIES Plaintiff's request for an
23 order permitting him to proceed in forma pauperis; and

24 3. The Court DENIES Plaintiff's request for an extension of
25 time; and

26 4. The Court DENIES Plaintiff's requests for preliminary and
27 permanent injunctive relief to be able to proceed in forma
28 pauperis; and

1 4) The Court ORDERS Plaintiff to pay the \$250.00 filing fee
2 within twenty days, or the action will be dismissed.

3 IT IS SO ORDERED.

4 **Dated:** April 21, 2005
Om8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE